

1 Richard D. Elley  
2 P.O. Box 6096  
3 Mesa, Arizona 85216  
4 Telephone: (480) 788-4529  
5 Facsimile: (480) 383-6235  
6 Email: Richard@ElleyLawOffice.com  
7 *Defendant*

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

TOM FOLEY,

Plaintiff,

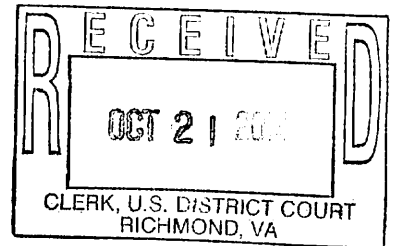
v.

ELLEY LAW OFFICE and RICHARD  
ELLEY,

Defendants.

No. 3:14CV599

**ANSWER**



Richard Elley dba Elley Law Office, hereby Answers Plaintiff's Complaint as follows:

1. Defendant denies he violated the Fair Debt Collection Practice Act and all other allegations in paragraph 1 of Plaintiff's Complaint.

2. Defendant is without sufficient information to either admit or deny any allegations contained in paragraph 2 of Plaintiff's Complaint, and therefore denies the same.

3. Defendant is without sufficient information to either admit or deny any allegations contained in paragraph 3 of Plaintiff's Complaint, and therefore denies the same.

4. Defendant Richard Elley dba Elley Law Office is one in the same and not separate individuals or entities, all other allegations contained in paragraph 4 of Plaintiff's Complaint are denied.

5. Defendant Richard Elley dba Elley Law Office is one in the same and not separate individuals or entities, all other allegations contained in paragraph 5 of Plaintiff's Complaint are denied.

1           6. Defendant denies all allegations in paragraph 6 of Plaintiff's Complaint.

2           7. Defendant admits to drafting the letter to Plaintiff, but denies all other  
3 allegations in paragraph 7 of Plaintiff's Complaint.

4           8. Defendant admits to drafting the letter to Plaintiff, but denies all other  
5 allegations in paragraph 8 of Plaintiff's Complaint.

6           9. Defendant admits to drafting the letter to Plaintiff but denies all other allegations  
7 in paragraph 9 of Plaintiff's Complaint.

8           10. Defendant admits that the letter was the sole communication with Plaintiff, but  
9 denies all other allegations in paragraph 10 of Plaintiff's Complaint.

10           11. Defendant is without sufficient information to either admit or deny any  
11 allegations contained in paragraph 11 of Plaintiff's Complaint, and therefore denies the same.

12           12. Defendant is without sufficient information to either admit or deny any  
13 allegations contained in paragraph 12 of Plaintiff's Complaint, and therefore denies the same

14           13. Defendant is without sufficient information to either admit or deny any  
15 allegations contained in paragraph 13 of Plaintiff's Complaint, and therefore denies the same.

16           14. Defendant denies all allegations in paragraph 14 of Plaintiff's Complaint.

17           15. Defendant is without sufficient information to either admit or deny any  
18 allegations contained in paragraph 15 of Plaintiff's Complaint, and therefore denies the same.

19           16. Defendant is without sufficient information to either admit or deny any  
20 allegations contained in paragraph 16 of Plaintiff's Complaint, and therefore denies the same.

21           17. Defendant denies all allegations in paragraph 17 of Plaintiff's Complaint.

22           18. Defendant denies all allegations in paragraph 18 of Plaintiff's Complaint.

23           19. Defendant denies all allegations in paragraph 19 of Plaintiff's Complaint.

24           20. Defendant denies all allegations in paragraph 20 of Plaintiff's Complaint.

25           21. Defendant denies all allegations in paragraph 21 of Plaintiff's Complaint.

26           22. Defendant denies all allegations in paragraph 22 of Plaintiff's Complaint.

27           23. Defendant denies all allegations in paragraph 23 of Plaintiff's Complaint.

1           24. Defendant is without sufficient information to either admit or deny Plaintiff's  
2 allegation that "When he did subscribe, his account was maintained current," Defendant denies  
3 all other allegations in paragraph 24 of Plaintiff's Complaint.

4           25. Defendant denies all allegations in paragraph 25 of Plaintiff's Complaint.

5           26. Defendant denies all allegations in paragraph 26 of Plaintiff's Complaint.

6           27. Defendant denies all allegations in paragraph 27 of Plaintiff's Complaint.

7           28. Defendant denies all allegations in paragraph 28 of Plaintiff's Complaint.

8           29. Defendant denies all allegations in paragraph 29 of Plaintiff's Complaint.

9           30. Defendant denies all allegations in paragraph 30 of Plaintiff's Complaint.

10          31. Defendant denies all allegations in paragraph 31 of Plaintiff's Complaint.

11          32. In response to Plaintiff's Complaint, paragraph 32, Defendant hereby realleges  
12 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

13          33. Defendant denies all allegations in paragraph 33 of Plaintiff's Complaint.

14          34. Defendant denies all allegations in paragraph 34 of Plaintiff's Complaint.

15          35. In response to Plaintiff's Complaint, paragraph 35, Defendant hereby realleges  
16 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

17          36. Defendant denies all allegations in paragraph 36 of Plaintiff's Complaint.

18          37. Defendant denies all allegations in paragraph 37 of Plaintiff's Complaint.

19          38. In response to Plaintiff's Complaint, paragraph 38, Defendant hereby realleges  
20 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

21          39. Defendant denies all allegations in paragraph 39 of Plaintiff's Complaint.

22          40. Defendant denies all allegations in paragraph 40 of Plaintiff's Complaint.

23          41. In response to Plaintiff's Complaint, paragraph 41, Defendant hereby realleges  
24 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

25          42. Defendant denies all allegations in paragraph 42 of Plaintiff's Complaint.

26          43. Defendant denies all allegations in paragraph 43 of Plaintiff's Complaint.

27          44. In response to Plaintiff's Complaint, paragraph 44, Defendant hereby realleges  
28

1 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

2 45. Defendant denies all allegations in paragraph 45 of Plaintiff's Complaint.

3 46. Defendant denies all allegations in paragraph 46 of Plaintiff's Complaint.

4 47. In response to Plaintiff's Complaint, paragraph 47, Defendant hereby realleges  
5 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

6 48. Defendant denies all allegations in paragraph 48 of Plaintiff's Complaint.

7 49. Defendant denies all allegations in paragraph 49 of Plaintiff's Complaint.

8 50. In response to Plaintiff's Complaint, paragraph 50, Defendant hereby realleges  
9 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

10 51. Defendant denies all allegations in paragraph 51 of Plaintiff's Complaint.

11 52. Defendant denies all allegations in paragraph 52 of Plaintiff's Complaint.

12 53. In response to Plaintiff's Complaint, paragraph 53, Defendant hereby realleges  
13 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

14 54. Defendant denies all allegations in paragraph 54 of Plaintiff's Complaint.

15 55. Defendant denies all allegations in paragraph 55 of Plaintiff's Complaint.

16 56. In response to Plaintiff's Complaint, paragraph 56, Defendant hereby realleges  
17 and incorporates by reference each of the foregoing statements above as if fully set forth herein.

18 57. Defendant denies all allegations in paragraph 57 of Plaintiff's Complaint.

19 58. Defendant denies all allegations in paragraph 58 of Plaintiff's Complaint.

20 **AFFIRMATIVE DEFENSES**

21 59. Defendant alleges that the subject Complaint fails to state a claim upon which  
22 relief can be granted.

23 60. As and for affirmative defenses to the matters set forth in the Complaint,  
24 Defendant alleges that said claims are barred in whole and/or in part pursuant to one or more of  
25 the following doctrines: statute of limitations, waiver, illegality, estoppel, compromise and  
26 settlement, accord and satisfaction, avoidable consequences rule, failure to mitigate damages,  
27 laches, unclean hands, adequate remedy at law, and improper parties.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant requests this Court to enter Judgment in his favor, to award costs and reasonable attorney's fees incurred herein, and to order such further relief that the Court deems just and proper.

**RESPECTFULLY SUBMITTED** this 15<sup>th</sup> day of October, 2014.

5


**Certificate of Service**

On this 15<sup>th</sup> day of October, 2014, I personally completed mail service and filing via regular, first class United States mail, postage fully pre-paid, addressed to the following:

Copy to  
Dale Pittman  
112-A West Tabb Street  
Petersburg, VA 23803  
Attorney for Plaintiff

And

Original to  
United States District Court for the Eastern District of Virginia  
701 East Broad Street  
Richmond, VA 23219



Richard Elley